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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,359	02/06/2004	Dennis G. Demers	H0002545D1-1140	6808

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT PAPER NUMBER

3746

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/773,359

Applicant(s)

DEMERS, DENNIS G.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 11-13, 15-19, 21, 23, 27 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4-10, 14, 20, 22, 24-26, 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Reasons For Allowance.

### ***Objections To Claims***

Claims 4-10, 14, 20, 22, 24-26, and 28 are objected to under 37 CFR 1.75(a) as including the following errors:

In claim 4, reference to “the FADEC system” lacks antecedent basis since claim 4 depends from claim 1 but the FADEC is first introduced in claim 2. The dependence of claim 4 should therefore be changed from claim 1 to claim 2.

In claim 5, along with related dependent claims 6-10, reference to “the FADEC” also lacks antecedent basis, and the dependence of claim 5 should likewise be changed from claim 1 to claim 2.

In claim 14, additional reference to “the FADEC system” lacks antecedent basis. Claim 14’s chain of dependence extends through claims 13, 12, and 11 to claim 1, and hence, the error in claim 14 should be corrected by changing the dependency of claim 11 from claim 1 to claim 2.

In claim 20, reference to “said FADEC” also lacks antecedent basis. Claim 20’s chain of dependence extends through claim 19 to claim 1, and hence, the error in claim 20 should be corrected by changing the dependency of claim 19 from claim 1 to claim 2.

In claim 22, reference to “said solenoid valve” additionally lacks antecedent basis. The solenoid valve is first introduced in claim 19 but 22’s chain of dependence extends through claim 21 to claim 1. The error in claim 22 should thus be corrected by changing the dependency of claim 21 from claim 1 to claim 19.

In claim 24, reference to "said MFC" is unduly vague and also lacks antecedent basis. The cited language should be replaced with "a main fuel control (MFC)".

In claim 25, "at least one electrical connector" refers to one of the connectors in claim 24, hence, the dependence of claim 25 should be changed from claim 1 to claim 24. Furthermore, reference to "said manual beeper motor" lacks antecedent basis and should be replaced with "a manual beeper motor".

In claim 26, "at least one electrical connector" also refers to one of the connectors in claim 24 and the dependence of claim 26 should additionally be changed from claim 1 to claim 24. Reference to "said primary mode stepper motor" also lacks antecedent basis and should be replaced with "a primary mode stepper motor".

In claim 28, reference to "said device" is unduly vague and lacks antecedent basis. The cited expression should be replaced with more appropriate language.


### ***Allowable Subject Matter***

Claims 1-3, 11-13, 15-19, 21, 23, and 27 are allowed and claims 4-10, 14, 20, 22, 24-26, and 28 will be allowed if amended to overcome the objections set forth above.

**Reasons For Allowance**

The present invention is a fuel control method involving transfer between primary and backup control modes using a clutch. As indicated by the references on the attached Form PTO-892, fuel controls including primary and backup modes are known in the art and sometimes include clutches. None of the references of record however show or fairly suggest the claimed method comprising fuel flow to a common cavity, pressure relief, fuel metering, and fuel bypass steps, in combination with two mode control employing an electrical clutch for selecting metering valve operation in either a primary or backup mode, and wherein transfer to the backup mode is bumpless and automatic. The present invention is therefore considered patentable over the prior art.

L. J. Casaregola  
703-308-1027 (M-F; 7:30-4:00)  
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November 16, 2004

  
**LOUIS J. CASAREGOLA**  
**PRIMARY EXAMINER**

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Cheryl Tyler, can be reached at 703-306-2772.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).